

THE NEUBERGER FIRM
ATTORNEYS AND COUNSELLORS AT LAW

**TWO EAST SEVENTH STREET
SUITE 302
WILMINGTON, DELAWARE 19801-3707**

WWW.NEUBERGERLAW.COM
EMAIL: INFO@NEUBERGERLAW.COM

THOMAS S. NEUBERGER, ESQUIRE
STEPHEN J. NEUBERGER, ESQUIRE

PHONE: (302) 655-0582
FAX: (302) 655-9329

March 31, 2006

Via CM/ECF Filing

The Honorable Joseph J. Farnan, Jr.
United States District Court
District of Delaware
844 North King Street
Lock Box 27
Wilmington, DE 19801

RE: **Dobrich, et al. v. Walls, et al.**, Civil Action No. 05-120-JJF

Dear Judge Farnan:

This is defendant Helms' response to the Court's Order regarding whether Mr. Helms is represented by (1) The Neuberger Firm or by (2) Mr. Balaguer and Mr. Cafferky.

I have spoken to my client Mr. Helms several times. He firmly wishes to be represented by The Neuberger Firm. Attached is a declaration submitted by my client in that respect.

Lastly, I understand that the defendant School Board voted earlier this week to hire Mr. David H. Williams, Esq. of Morris James Hitchens & Williams LLP to participate in some capacity in this case on behalf of the non-Helms defendants. I expect that Mr. Balaguer will be able to supply the Court with more details in that regard.

I am at the Court's disposal to address these matters further.

Respectfully submitted,

/s/ Stephen J. Neuberger

Attorney for Defendant Reginald L. Helms

attachment

cc: Stephen J. Neuberger, Esq. (via CM/ECF)
John W. Whitehead, Esq. (via E-mail)
Douglas McKusick, Esq. (via E-mail)
Mr. Reginald L. Helms (via E-mail and U.S. Mail)
John D. Balaguer, Esq. (via CM/ECF)
John F. Cafferky, Esq. (via CM/ECF)
William B. Porter, Esq. (via CM/ECF)
Robert Scott Saunders, Esq. (via CM/ECF)

Helms \ Letters \ Farnan.04

Tab A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONA DOBRICH, et al.,

:

Plaintiffs,

:

v.

:

C.A.No. 05-129-JJF

:

:

:

HARVEY L. WALLS, et al.,

:

:

:

Defendants.

:

UNSWORN DECLARATION OF REGINALD L. HELMS,
UNDER 28 U.S.C. § 1746

I, Reginald L. Helms, hereby depose and state as follows:

1. I make this declaration on my own personal knowledge and I will testify hereto if called as a witness.

2. I have been a member of the Indian River School Board (hereinafter "Board") for fourteen (14) years and am one of the defendants in the above titled action. I have personal knowledge of the facts contained in this declaration and, if called as a witness, I am competent to testify as to those facts.

3. I am represented in this case by The Neuberger Firm, specifically, by attorneys Thomas S. Neuberger and Stephen J. Neuberger. I have been represented by The Neuberger Firm since approximately August 2004.

4. The Neuberger Firm represents me in both my individual and official capacities in this case.

5. My decision to be represented in both my individual capacity and also my official capacity as a member of the School Board, is not one that I take lightly. Instead, it is a decision that I have put a great deal of thought into.

6. The Neuberger Firm was successful in its legal arguments earlier in this lawsuit to have all claims against me in my individual capacity dismissed.

7. The Neuberger Firm continues to presently represent me in my official capacity in this case.

8. I am aware that the plaintiffs in this case are seeking, among other things, a federal court injunction or other court order barring me from exercising my First Amendment right to pray in accord with my own conscience and personal religious beliefs.

9. If plaintiffs succeed in getting such an injunction or other court order, I am aware that if I as a Board member choose to pray anyway in accord with my conscience and personal religious beliefs, that I may be held in contempt of court, prosecuted and otherwise punished for violating a federal court order.

10. This is an end that I prefer to avoid and this is one of the reasons that I have chosen to be represented by counsel in my official capacity in this case.

11. I am very happy with The Neuberger Firm's representation of me in this case. They fight hard. They are ethical. They keep me informed. I could not ask for more.

12. I am aware that last week, during the course of a court hearing, an attorney for the School Board falsely claimed that he is my attorney in this case, and not The Neuberger Firm.

13. Such a claim is entirely false. My duly authorized representatives and attorneys in this case are The Neuberger Firm.

14. I refuse to be represented in this case by John Balaguer, John Cafferky or any other lawyer in their law firms. I reject their claims of representation.

15. As a member of the School Board, I talk and meet regularly with other members of the School Board who are represented by both Balaguer and Cafferky. As a result, I am familiar with their reputations with the members of the Board. I also am familiar with the Board's level of satisfaction with their representation.

16. On both accounts, reputation and satisfaction, it is extremely poor.

17. I also have had personal interactions with those lawyers, including in public Board meetings and in the private Executive Sessions of such Board meetings.

18. Based on these personal interactions, I have been decidedly unimpressed by them.

19. Based on my experiences and their reputations with their clients, it appears that they care more about serving the wishes of the insurance company that is paying them than the Board which is supposed to be their client.

20. For example, it is my limited understanding that a lawyer is supposed to keep his client reasonably informed of what is happening in a case. It is also my understanding that a lawyer is not permitted to settle a case without the consent of his client.

21. I have heard and participated in meetings where both Balaguer and Cafferky were strongly criticized for not keeping their clients informed and for trying to settle this case without

authorization.

22. I also have participated in meetings where both Balaguer and Cafferky tried to force terms upon the School Board that are illegal under state law.

22. Again, it is my impression that both Balaguer and Cafferky care more about the dictates of the insurance company than the wishes of the School Board which they are supposed to be representing.

23. I do not want lawyers like that representing me.

24. In light of all of this, I am very happy that I chose to be separately represented by The Neuberger Firm in my official capacity in this case.

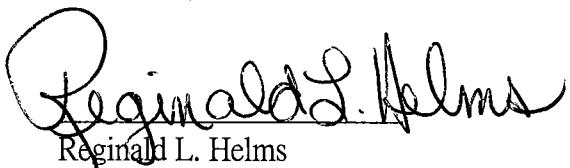
25. My attorneys have informed me that because Balaguer falsely claims to represent me, Judge Farnan has ordered that a decision has to be made regarding who is representing me in this case.

26. Again, I refuse to be represented by lawyers Balaguer, Cafferky or their law firms. Instead, I again reaffirm my decision to have The Neuberger Firm, Tom Neuberger and Steve Neuberger represent me and be my attorneys.

27. If Judge Farnan is thinking about taking my attorneys away from me and ordering them to stop representing me, I respectfully request that his Honor grant me a hearing at which I can explain to him why I need The Neuberger Firm's continued representation in my case.

REGINALD L. HELMS

I declare under penalty of perjury that the foregoing is true and correct. Executed on March
March 26, 2006.



Reginald L. Helms

Helms \ Pleadings \ Helms Declaration.02.final